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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,390	08/02/2001	Jeffrey Yu	021106-000210US	7476
20350	7590	09/06/2007	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			PASS, NATALIE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/922,390	YU, JEFFREY	
	Examiner	Art Unit	
	Natalie A. Pass	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 May 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 24-28 and 31-50 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 24-28 and 31-50 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 29 May 2007. Claims 24-25, 27, 31-32, 37-39, 44, and 48-50 have been amended. Claims 1-23, 29-30 have been previously cancelled. Claims 24-28, 31-50 remain pending.

Claim Objections

2. The objection to claims 25 and 31 is hereby withdrawn due to the amendment filed 29 May 2007.

Claim Rejections - 35 USC § 112

3. The rejections of claims 24, 27, 32, 37-39, 44, 48-50 under 35 U.S.C. 112, first paragraph is hereby withdrawn due to the amendment filed 29 May 2007.

Claim Rejections - 35 USC § 103

4. Claims 24-26, 31-35, 37-42, 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al., U.S. Patent Application Publication Number 2001/0041992 in view of Jones et al., U.S. Patent Number 6, 516, 324 for substantially the same reasons given in the previous Office Action (paper number 20070105). Further reasons appear hereinbelow.

(A). Claims 24 and 37 have been amended to include the recitation of

- ◆ "[...] the selected report type being associated with a plurality of organs [...]," at lines 6-7 and 7 respectively.

As per newly amended claims 24 and 37, Lewis and Jones teach a method as analyzed and discussed in the previous Office Action (paper number 20070105), further comprising the selected report type being associated with a plurality of organs (Lewis; Figure 4B Items 402, 404, paragraphs [0033], [0056] -[0057], [0059], [0064]); Examiner interprets Lewis's Organ Systems (Lewis; Figure 4A, Figure 4B Items 402, 404) to be a form of "report types," and Lewis's selection of "Musculoskeletal" from the list of Organ Systems (Lewis; Figure 4B Items 402, 404) to be a form of "the selected report type being associated with a plurality of organs."

The remainder of claims 24 and 37 is rejected for the same reasons given in the prior Office Action (paper number 20070105, section 9, pages 5-9), and incorporated herein.

The motivations for combining the respective teachings of Lewis and Jones are as given in the rejection of claim 24 in the prior Office Action (paper number 20070105), and incorporated herein.

(B) The amendments to claims 25, 31-32, 38-39, 44 appear to have been made merely to correct minor typographical or grammatical errors or to correct objections or rejections under 35 U.S.C. 112. While these changes render the language of the claim smoother and more consistent, they otherwise affect neither the scope and breadth of the claim as originally presented nor the manner in which the claim was interpreted by the Examiner when applying prior art within the previous Office Action.

As such, the recited claimed features are rejected for the same reasons given in the prior Office Action (paper number 20070105, section 9, pages 7-9), and incorporated herein.

(C) Claims 26, 33-35, 40-42, 45-47 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20070105, section 9, pages 7-9), and incorporated herein.

5. Claims 27-28, 36, 43, 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al., U.S. Patent Application Publication Number 2001/0041992 and Jones et al., U.S. Patent Number 6, 516, 324 as applied to claims 24 and 26 above, and further in view of Vining et al., U.S. Patent Number 6, 819, 785 for substantially the same reasons given in the previous Office Action (paper number 20070105). Further reasons appear hereinbelow.

(A) The amendments to claim 27, 48-50 appear to have been made merely to correct minor typographical or grammatical errors or to correct objections or rejections under 35 U.S.C. 112. While these changes render the language of the claim smoother and more consistent, they otherwise affect neither the scope and breadth of the claim as originally presented nor the manner in which the claim was interpreted by the Examiner when applying prior art within the previous Office Action.

As such, the recited claimed features are rejected for the same reasons given in the prior Office Action (paper number 20070105, section 10, pages 9-12), and incorporated herein.

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(B) Claims 28, 36, 43 have not been amended and are rejected for the same reasons given in the previous Office Action (paper number 20070105, section 10, pages 9-12), and incorporated herein.

Response to Arguments

6. Applicant's arguments filed 30 November 2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 29 May 2007.

(A) At pages 7-9 of the 29 May 2007 response, Applicant argues that the limitations of claims 24-28 and 31-50 are not taught or suggested by the applied references. In response, all of the limitations which Applicant disputes are missing in the applied references, including the newly added limitations of claims 24-25, 27, 31-32, 37-39, 44, and 48-50 have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the combined teachings of Lewis, Jones, and Vining, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the 35 USC § 103 rejections given in the preceding sections of the present Office Action and in the prior Office Action (paper number 20070105), and incorporated herein. In particular, Examiner notes that the newly added limitation of “the selected report type being associated with a plurality of organs” is taught by the applied references. In particular, please note (Lewis; Figure 4B Items 402, 404, paragraphs [0033], [0056] -[0057], [0059], [0064]); Examiner interprets Lewis’s “Organ Systems” (Lewis; Figure 4A, Figure 4B Items 402, 404) to be a form of “report types,” and Lewis’s teachings of the user’s selection of “Musculoskeletal” from the list of Organ Systems

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(Lewis; Figure 4B Items 402, 404) to be a form of “the selected report type being associated with a plurality of organs,” as specifically applied in the rejections given above and incorporated herein. Furthermore, Examiner notes that the Lewis reference teaches “the ordering practitioner will use the anatomic model 402 to drill down … [...] ... then selecting the desired anatomic structure(s) within the selected organ system. Accordingly, the anatomic user interface 58 enables selection of anatomic structures based on an organ system and a specific location or volume of human anatomy that is of interest. As those skilled in the medical arts will appreciate, the structures of the human anatomy to be treated and the healthcare information that may be applicable to such structures will vary depending on the organ system to be treated” (Lewis; paragraph [0059]). Examiner notes that this teaching corresponds to Applicant’s disclosure, (Specification, paragraph [14]), which states that “[a]fter a particular report type has been selected, the present invention then displays a list of organs corresponding specifically to the report type selected. This is particularly advantageous in that non-appropriate body parts are not displayed.”

As per Applicant’s argument on page 7 of the 29 May 2007 response, that the Lewis reference does not teach the limitation of “for each associated organ presenting a list of applicable medical descriptions and receiving a selected applicable medical description, wherein the selected applicable medical description is associated with said each associated organ,” Examiner respectfully disagrees. Examiner interprets Lewis’s teachings of “a set of possible medical guidelines for treatment of disorders valid for each anatomic structure may be stored in the anatomic database 42 or perhaps separately, e.g., in a treatment guidelines database. ... [...] ... The treatment guidelines database contains the anatomic information with which the

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treatment guidelines are associated. That is, the anatomic information ... [...] ... has associated with it all of the treatment guidelines that are valid for disorders related to that particular associated anatomic structure. By storing the anatomic information associated with the treatment guideline reference information, the treatment guideline information may be accessed in an anatomic context and used to order entire treatment plans for a medical diagnosis" (Lewis; paragraph [0050]) together with Lewis's teachings of "[e]ach anatomic structure contained in the anatomic database 42 also has associated with it all of the healthcare services that are valid for it" (Lewis; paragraph [0048]) as teaching a form of "for each associated organ presenting a list of applicable medical descriptions and receiving a selected applicable medical description, wherein the selected applicable medical description is associated with said each associated organ."

As per Applicant's assertion on page 8, lines 3-4 of the 29 May 2007 response, that Lewis fails to teach Applicant's invention because "Lewis 'drills down' through a series of menus and stops at a single anatomical structure," and Applicant's illustrative quotes from Lewis's paragraph [0079] which attempt to support this assertion, Examiner respectfully disagrees. Examiner notes that these quotes and assertions illustrate only one embodiment of Lewis's invention. In contrast to the argued embodiment, Examiner notes that Lewis also teaches,

"[i]n another embodiment, the user could implement the anatomic user interface 58 to record a patient's medical history, thus using the anatomic user interface to drill down to select those anatomic structures and anatomically related information that are to be added to the patient database 97" (emphasis added) (Lewis; paragraph [0056]); and

"[m]ore specifically, the user begins his or her drilling down to a particular anatomic structure by first selecting the overall organ system of the patient to be treated from an

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organ system menu 404 and then selecting the desired anatomic structure(s) within the selected organ system. Accordingly, the anatomic user interface 58 enables selection of anatomic structures based on an organ system and a specific location or volume of human anatomy that is of interest. As those skilled in the medical arts will appreciate, the structures of the human anatomy to be treated and the healthcare information that may be applicable to such structures will vary depending on the organ system to be treated” (emphasis added) (Lewis; paragraph [0059]); and

“the drilling down continues as the user selects various anatomic substructures of the organ system for which he or she wishes to access information” (emphasis added) (Lewis; paragraph [0059]); and

“the present invention may be practiced utilizing different menu selection interface approaches. ... [...] ... As described earlier, the user drills down by selecting anatomic structures and substructures displayed on the patient anatomic model 402, until the appropriate level of the desired organ system is reached” (emphasis added) (Lewis; paragraph [0114]).

Examiner interprets these teachings to teach that it is not only one organ that receives a medical description, but the “various anatomic substructures of the organ system for which [...] the user [...] wishes to access information” or “the appropriate level of the desired organ system” and therefore “every organ on the list” that receives a medical description.

As per Applicant’s assertion on page 9, lines 4-5 of the 29 May 2007 response that Lewis fails to output a patient report, because “Lewis’ ‘treatment plans’ are not patient reports containing medical descriptions,” Examiner respectfully disagrees. Examiner notes that Lewis teaches

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“[a] treatment plan consists of a predetermined sequence of healthcare service orders deemed appropriate for treating a particular medical event, i.e., for treating a particular medical problem or diagnosis. Since the treatment plan is made up of a sequence of orders, the treatment plan (once selected by the user) is stored in the patient database 97 in much the same manner as are single orders. Thus, the treatment plan is stored in the patient database 97 as order information for each of the multiple healthcare service orders, with each order's information being related to the same medical event. [0054] As described above, each order contains information about the healthcare services ordered in relation to a particular anatomic structure, the medical event associated with the order and the medical encounter associated with the order. When viewed in the aggregate, the order information stored in the patient database 97 for each patient produces a medical history for the patient. Since the order information stored in the patient database 97 is associated with a particular anatomic structure, the order information, and thus a patient medical history, can be accessed in an anatomic context by the user and displayed by the anatomic user interface 58. As described in more detail below, when an anatomic model 402 for the patient is displayed to the user by the anatomic user interface 58, the user may select a view menu option for displaying [reads on “outputting”] the medical history information of the patient related to a selected anatomic structure. The anatomic user interface 58 will then display [reads on “output”] the patient medical history, i.e., the order information related to the selected anatomic structure, in conjunction with patient anatomic model 402” (emphasis added) (Lewis; paragraphs [0053]-[0054]).

Noting that Applicant’s Specification defines a “patient report” as “describing the medical description or diagnoses of each organ” (Specification; paragraph [0012]), and noting that the “medical history” and the “order information related to the selected anatomic structure” usually contain descriptions or diagnoses of each organ, Examiner interprets Lewis’s teaching, as quoted above, to teach a form of “outputting a patient report comprising the medical descriptions of the associated organs in the selected report type.”

Conclusion

7. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington D.C. 20231**

or faxed to: **(571) 273-8300.**

For informal or draft communications, please label "PROPOSED" or "DRAFT" on the front page of the communication and do NOT sign the communication. After Final communications should be labeled "Box AF."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

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10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Natalie A. Pass

August 23, 2007



JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600